

COOLEY GODWARD KRONISH LLP
MICHAEL G. RHODES (116127) (rhodesmg@cooley.com)
MATTHEW D. BROWN (196972) (brownmd@cooley.com)
101 California Street
5th Floor
San Francisco, CA 94111-5800
Telephone: (415) 693-2000
Fax: (415) 693-2222

Attorneys for Defendant
FACEBOOK, INC.

DAVID N. LAKE (180775) (David@lakelawpc.com)
16130 Ventura Boulevard, Suite 650
Encino, California 91436
Telephone: (818) 788-5100
Fax: (818) 788-5199

Attorney for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DONALD SILVERSTRI, DAWN KEER,
KIMBERLY MANCELLA, JILL
SILVERMAN STRELZIN, and
CHRISTOPHER LEMOLE, on behalf of
themselves and others similarly situated,

Plaintiff,

v.

FACEBOOK, INC.

Defendant.

Case No. C10-cv-00429 (JF)

ERIC MARKOWITZ, FRANK
BLUEMENTHAL, LAUREN REESE, and
BILLY STERNBERG, on behalf of
themselves and all others similarly situated,

Plaintiff,

v.

FACEBOOK, INC.,

Defendant.

Case No. C10-cv-00430 (JF)

**STIPULATION AND [PROPOSED] ORDER
CONSOLIDATING CASES FOR ALL
PURPOSES AND PERMITTING FILING OF
CONSOLIDATED COMPLAINT**

1 This Stipulation is entered into by and among plaintiffs Donald Silverstri, Dawn Keer,
 2 Kimberly Mancella, Jill Silverman Strelzin, Christopher LeMole, Eric Markowitz, Frank
 3 Bluementhal, Lauren Reese, and Billy Sternberg (collectively, the “Plaintiffs”), and defendant
 4 Facebook, Inc. (“Defendant”) by and through their respective counsel;

5 WHEREAS, the *Silverstri* complaint was filed on January 29, 2010;

6 WHEREAS, the *Markowitz* complaint was filed on January 29, 2010;

7 WHEREAS, counsel for Defendant has duly accepted service of the Summonses and
 8 Complaints;

9 WHEREAS, counsel for the parties have conferred, and the parties are in agreement that
 10 the *Markowitz* action should be consolidated with the *Silverstri* action for all purposes because
 11 the cases involve similar complaints and common questions of law or fact, and because
 12 consolidation would advance the interests of judicial economy; and

13 WHEREAS, the parties seek to agree upon a schedule for the filing of a consolidated
 14 complaint;

15 **IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned
 16 counsel for Plaintiffs and Defendant, that:

17 1. The following actions are related cases within the meaning of Local Civil Rule 3-
 18 12(a):

19 a. *Donald Silverstri, et al. v. Facebook, Inc., a Delaware corporation*, Case No.
 20 C10-cv-00429 (JF); and

21 b. *Eric Markowitz, et al. v. Facebook, Inc., a Delaware corporation*, Case No.
 22 C10-cv-00430 (JF).

23 2. Pursuant to Federal Rule of Civil Procedure 42(a), the above-captioned actions are
 24 hereby consolidated for all purposes into one action.

3. These actions shall be referred to herein as the “Consolidated Actions.” The Master Docket and Master File for the Consolidated Actions shall be Civil Action No. C10-cv-00429 (JF).

4. Every pleading in this Consolidated Action shall bear the following caption:

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

)	
IN RE FACEBOOK CONSUMER PRIVACY LITIGATION)	Case No. C10-cv-00429 (JF)
)	

All orders, pleadings, motions and other documents shall, when filed and docketed in the Master file, be deemed filed and docketed in each individual case to the extent applicable.

5. The Court hereby appoints Paskowitz & Associates and the Felgoise Law Firm as Co-Lead Counsel.

6. All subsequently-filed class or individual actions against the Defendant alleging the same or similar claims as alleged in the complaints in these actions shall be consolidated under the case *In re FACEBOOK CONSUMER PRIVACY LITIGATION*, Case No. C10-cv-00429 (JF).

7. The Plaintiffs shall file a Consolidated Complaint on or before March 9, 2010. Defendant shall respond to the Consolidated Complaint on or before April 9, 2010. Defendant has no obligation to respond to the current Complaints.

This stipulation is without prejudice to any other rights that any party may have.

1 Dated: February 4, 2010

2 LAW OFFICES OF DAVID N. LAKE

COOLEY GODWARD KRONISH LLP

3
4 /s/ David N. Lake

5 David N. Lake (180775)
6 Attorneys for Plaintiffs DONALD
7 SILVERSTRI, DAWN KEER,
8 KIMBERLY MANCELLA, JILL
9 SILVERMAN STRELZIN,
10 CHRISTOPHER LEMOLE, ERIC
11 MARKOWITZ, FRANK
12 BLUEMENTHAL, LAUREN REESE,
13 AND BILLY STERNBERG

10 DAVID N. LAKE (180775)
(David@lakelawpc.com)
11 16130 Ventura Boulevard, Suite 650
12 Encino, California 91436
13 Telephone: (818) 788-5100
14 Fax: (818) 788-5199

15 LAURENCE D. PASKOWITZ
16 ROY L. JACOBS
17 ANGELICA KONTOROFF
18 PASKOWITZ & ASSOCIATES
19 60 East 42nd Street, 46th Floor
20 New York, NY 10165
21 Telephone: 212-685-0969
22 Fax: 212-685-2306
23 Classattorney@aol.com

18 and

19 BRIAN M. FELGOISE
20 FELGOISE LAW FIRM
21 261 Old York Rd. Suite 423
22 Jenkintown, PA 19001-2616
23 Telephone: 215-985-0500
24 Fax: 215-985-0850
25 Felgoiselaw@verizon.net

26 Co-Lead Counsel for Plaintiffs

/s/ Matthew D. Brown

Matthew D. Brown (196972)
Attorneys for Defendant
FACEBOOK, INC.

COOLEY GODWARD KRONISH LLP
MICHAEL G. RHODES (116127)
(rhodesmg@cooley.com)
MATTHEW D. BROWN (196972)
(brownmd@cooley.com)
101 California Street
5th Floor
San Francisco, CA 94111-5800
Telephone: (415) 693-2000
Fax: (415) 693-2222

Attorneys for Defendant
FACEBOOK, INC.

[PROPOSED] ORDER

The above stipulation having been considered and good cause appearing therefore,

IT IS SO ORDERED.

DATED: 2/11/10



The Honorable Jeremy Fogel
UNITED STATES DISTRICT JUDGE

FILER'S ATTESTATION

Pursuant to General Order No. 45, Section X, Subparagraph B, the undersigned attests that all parties have concurred in the filing of this Stipulation and [Proposed] Order Consolidating Cases for All Purposes and Permitting Filing of Consolidated Complaint.

Dated: February 4, 2010

COOLEY GODWARD KRONISH LLP

By: /s/ Matthew D. Brown
Matthew D. Brown